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WILLIAM FAY.

Texas War.

OFFICIAL ACCOUNT OF THE BATTLE OF SAN JACINTO.

We are at length enabled to lay before our readers the official account of this extraordinary conflict, from the pen of Gen. Houston himself. It confirms the previous notices, in every important particular. We also publish the address of Gen. Houston to his army, on leaving Texas for New Orleans. His words, we learn, were severe, but not such as, with proper treatment, to endanger his life.

Head Quarters of the Army, San Jacinto, April 25th, 1836.
To his Excellency, D. G. Burnett, President of the Republic of Texas.

Sir—I regret extremely that my situation since the battle of the 21st has been such as to prevent my sending you any official report of the same, previous to this time.

I have the honor to inform you that on the evening of the 18th inst. after a forced march of 55 miles, which was effected in two days and a half, the army arrived opposite Harrisburg; that evening a courier of the enemy was taken, from whom I learned that Gen. Santa Anna, with one division of his chosen troops had marched in the direction of Lynch's ferry on the San Jacinto, burning Harrisburg as he passed down. The army was ordered to be in readiness to march early on the next morning. The main body effected a crossing over Buffalo Bayou, below Harrisburg, on the morning of the 19th, leaving left the baggage, the sick, and a sufficient camp guard in the rear.

We continued our march through the night, making but one halt in the prairie for a short time, and without refreshment. At daylight we resumed the line of march, and in a short distance our scouts encountered those of the enemy, and we received information that Gen. Santa Anna was at New Washington, and would that day take up his line of march for Anahuac, crossing at Lynch's. The Texas army halted within half a mile of the ferry in some timber, and were engaged in slaughtering beavers, when the army of Santa Anna was discovered to be approaching in battle array, having been encamped at Clopper's point, eight miles below. Disposition was immediately made of our forces, and preparation for his reception. He took a position with his infantry, and artillery in the center, occupying an island of timber, his cavalry covering the left flank. The artillery, consisting of one double fortified medium brass twelve pounder then opened on our encampment. The infantry in column advanced with the design of charging our line, but were repulsed by a discharge of grape and canister, from our artillery, consisting of two six pounders. The enemy had occupied a piece of timber within rifle shot of the left wing of our army, from which an occasional interchange of small arms took place between the troops, until the enemy withdrew to a position on the bank of the San Jacinto, about three quarters of a mile from our encampment, and commenced fortification.

A short time before sunset, our mounted men, about 85 in number under the special command of Col. Sherman, marched out for the purpose of reconnoitering the enemy. While advancing, they received a volley from the left of the enemy's infantry, in which ours acted extremely well, and performed some feats of daring chivalry, they retired in good order, having two men severely wounded, and several horses killed. In the meantime the infantry under the command of Lieut. Col. Millard, and Col. Barleson's regiment, with the artillery, had marched out for the purpose of covering the retreat of the cavalry if necessary. All then fell back in good order to our encampment about sunset, and remained without any ostensible action until the 21st at half past 3 o'clock, taking the first refreshment which they enjoyed for two days. The enemy in the meantime extended the right flank of their infantry so as to occupy the extreme point of a skirt of timber on the bank of the San Jacinto, and secured their left by a fortification about five feet high constructed of pecks and baggage, leaving an opening in the center of the breastwork in which their artillery was placed, their cavalry upon their left wing.

About 9 o'clock on the morning of the 21st the enemy were reinforced by 500 choice troops, under the command of Gen. Cos, increasing their effective force to upwards of 1500 men, while our aggregate force for the field numbered 783. At half past 3 o'clock in the evening, I ordered the officers of the Texas army to parade their respective commands, having in the meantime ordered the bridge on the only road communicating with the Brazos, distant 8 miles from our encampment, to be destroyed, thus cutting off all possibility of escape. Our troops paraded with alacrity and spirit, and were anxious for the contest. Their conscious disparity in numbers seemed only to increase their confidence and enthusiasm, and heightened their anxiety for the conflict. Our situation afforded me an opportunity of making the arrangements preparatory to the attack without exposing our designs to the enemy. The 1st Regiment, commanded by Col. Barleson, was assigned for the center. The 2d Regiment, under the command of Col. Sherman, formed the left wing of the army. The Artillery, under the special command of Col. Geo. W. Hackley, Inspector General, was placed on the right of the 1st Regiment; and four companies of infantry, under the command of Lieut. Col. Henry Millard, sustained the artillery upon the right. Our Cavalry, sixty-one in number, commanded by Col. Mirabeau B. Lamar, (whose gallant and daring conduct on the previous day had attracted the admiration of his comrades, and called him to that station,) placed on our extreme right, completed our line. Our cavalry was first despatched to the front of the enemy's left, for the purpose of attracting their notice, while an extensive island of timber afforded us an opportunity of concentrating our forces and displaying from that point, agreeably to the previous design of the troops. Every evolution

was performed with alacrity, the whole advancing rapidly in line and through an open prairie, without any protection whatever for our men. The artillery advanced, and took station within two hundred yards of the enemy's breastwork, and commenced an effective fire with grape and canister. Col. Sherman with his regiment having commenced the action upon our left wing, the whole line, at the center, and on the right, advancing in double-quick time, sang the war cry, "Remember the Alamo," received the enemy's fire, and advancing within point blank shot before a piece was discharged from our lines. Our line advanced without a halt, until they were in possession of the woodland and the enemy's breastwork; the right wing of Barleson and the left of Millard's taking possession of the breastwork; our artillery having gallantly charged up within seventy yards of the enemy's cannon, when it was taken by our troops. The conflict lasted about eighteen minutes from the time of close action, until we were in possession of the enemy's encampment, taking one piece of cannon, (loaded) four stand of colors, all their camp equipage, stores and baggage. Our cavalry had charged and routed that of the enemy on the right, and given pursuit to the fugitives, which did not cease until they arrived at the bridge which I have mentioned before. Capt. Karnes, always among the foremost in danger, commanding the pursuers. The conflict in the breastwork lasted but a few moments; many of the troops encountered hand to hand, and not having the advantage of bayonets on our side, our riflemen used their pieces as war clubs, breaking many of them off at the breach. The route commenced at half past four, and the pursuit by the main army continued until twilight.

A guard was then left in charge of the enemy's encampment, and our army returned with their killed and wounded. In the battle, our loss was two killed and twenty three wounded, six of whom mortally. The enemy's loss was 630 killed, among which was 1 general officer, 4 colonels, 2 lieutenant colonels, 5 captains, 12 lieutenants. Wounded 208, of which were 5 colonels, 3 lieutenant colonels, 2 second lieutenant colonels, 7 captains, 1 cadet. Prisoners 730—President Gen. Santa Anna, Gen. Cos, 4 colonels, aids to Gen. Santa Anna, 6 lieut. colonels, the private secretary of Gen. Santa Anna, and the colonel of the Guerrero battalion, are in the number. Gen. Santa Anna was not taken until the 22d, and Gen. Cos on yesterday, very few having escaped. About 600 muskets, 300 sabres, and 200 pistols, have been collected since the action; several hundred mules and horses were taken, and near 12,000 dollars in specie. For several days previous to the action, our troops were engaged in forced marches, exposed to excessive rains, and the additional inconvenience of extremely bad roads, ill supplied with rations and clothing—yet amid every difficulty they bore up with cheerfulness and fortitude, and performed their marches with spirit and alacrity—there was no murmuring.

Previous to and during the action, my staff evinced every disposition to be useful, and were actively engaged in their duties. In the conflict I am assured that they demeaned themselves in such a manner as proved them worthy members of the army of San Jacinto. Col. T. J. Rusk, secretary of war, was on the field. For weeks his services had been highly beneficial to the army; in battle he was on the left wing, where Col. Sherman's command first encountered and drove the enemy; he bore himself gallantly, and continued his efforts and activity, remaining with the pursuers until resistance ceased.

I have the honor of transmitting herewith a list of all the officers and men who were engaged in the action, which I respectfully request may be published, as an act of justice to the individuals. For the commanding General to attempt discrimination as to the conduct of those who commanded in the action, or those who were commanded, would be impossible. Our success in the action is conclusive proof of their daring integrity and courage; every officer and man proved himself worthy of the cause in which he battled, while the triumph caused a lustre from the humanity which characterized their conduct after victory richly entitled them to the admiration and gratitude of their General. Nor should we withhold the tribute of our grateful thanks from that Being who rules the destinies of nations, and has in the time of greatest need enabled us to arrest a powerful invader while devastating our country.

I have the honor to be, with consideration, your obedient servant,

SAM. HOUSTON, Commander-in-Chief.

GEN. HOUSTON TO HIS ARMY.—Annexed is the address of Gen. Houston to the army of Texas, preparatory to his leaving for New Orleans.

Head Quarters of the Army, San Jacinto, May 5, 1836.

Comrade!—Circumstances connected with the battle of the 21st, render our separation for the present unavoidable. I need not express to you the many painful sensations which that necessity inflicts upon me; I am isolated, however, by the hope that we will soon be re-united in the great cause of liberty. Brigadier-General Rusk is appointed to the command of the army for the present. I confide in his valor, his patriotism and his wisdom. His conduct in the battle of San Jacinto were sufficient to insure your confidence and regard. The enemy, though retreating, are still within the limits of Texas. Their situation being known to you, you cannot be taken by surprise. Discipline and subordination will render you invincible. Your valor and heroism have proved you unvalued. Let not contempt for the enemy throw you off your guard. Vigilance is the first duty of a soldier, and glory the proudest reward of his toils. You have patiently endured privations, hardships and difficulties unparallelled; you have encountered odds of two to one of the enemy against you, and borne yourselves in the onset and conflict of the battle in a manner unknown in the annals of modern warfare! While an enemy to your independence remains in Texas, the work is incomplete, but when liberty is firmly established by patience and your valor, it will be fame enough to say, "I was a member of the army of San Jacinto!" In taking leave of my brave comrades in arms, I cannot suppress the expression of that pride which I too justly feel, in having had the honor to com-

mand them in person; nor will I withhold the tribute of my warmest admiration and gratitude for the promptness with which my orders were executed, and union maintained through the army. At parting, my heart embraces you with gratitude and affection.

SAMUEL HOUSTON, Commander-in-Chief.

From the N. Y. Young Men's Advocate.

Trial of R. P. Robinson. FOR THE MURDER OF ELLEN JEWETT.

During the past week our city has been, under the influence of great excitement. Every one seems to have taken great interest in the proceedings relative to the unfortunate young man whose name stands at the head of this article. We expect our country friends desire to be put in possession of a summary of the trials as soon as possible, and we have deferred the publication of our sheet, that we might be able to present them with a summary of the trial which commenced on Thursday last the 21st of June.

The doors of the large court room were opened at 10 o'clock precisely, when the multitude who were anxiously waiting without rose in, and in a few minutes the place was literally packed. Soon after the entrance of the Judges, the prisoner accompanied by Mr. Lyons came forward, followed by Messrs. Hoffman, Price and Maxwell, counsel for the prisoner. The court was opened in the usual form, and arrangements made between the prisoner's counsel and Mr. Phoenix, the counsel for the prosecution, that the trial should now proceed. There was some difficulty in empanelling a jury, and several were fined \$25 for non-attendance. However, after some delay, a jury was formed, whose names it is not necessary to mention. The clerk then read the indictment, charging the prisoner, Richard P. Robinson, with the wilful and deliberate murder of Ellen Jewett, on the 10th of April last, the particulars of which were given in our columns at the time. At this stage of the proceedings the court took a recess; when the business resumed, and order was restored the district attorney opened the case in a very impressive address to the jury, dwelling briefly and emphatically upon the enormity of the offence, and the aggravated circumstance connected with it. He said the evidence he had to adduce was chiefly circumstantial, yet it was so strong, and clear, and conclusive as to render the situation of the prisoner perilous and awful. The first witness he would call was,

Rosina Townsend, who stated she knew Ellen Jewett. The last time she saw her alive was on Saturday night the 9th of April, about 11 o'clock. Ellen Jewett had resided and boarded with her precisely three weeks on the 8th of April last. She also deposed, "I know the prisoner, and think I have seen him at my house six or seven times. I have noticed him particularly, I saw the prisoner at the bar on the night of the murder. I admitted him into my house at nine o'clock on that night, it might be half past nine." This witness said she had no doubt of the identity of the prisoner—was quite positive the prisoner was the man she let in at that time. Ellen Jewett, about 11 o'clock, ordered a bottle of champagne which Mrs. Townsend took with two wine glasses. Ellen opened the door and Robinson was seen in bed with his head upon his elbow. This was the last time Mrs. T. saw Robinson, she noticed his head particularly; his hair was particularly thin on the back part. Mrs. Townsend says she went to bed on the night of the murder about 12 o'clock; went to sleep, but was awake by some one wanting to go out, but she remained in bed and again fell asleep, but was awake again about three o'clock by some one knocking at the street door, whom she let in, and discovered a light in her parlor, which was unusual, found the back door open, said "who's there?" and received no answer, shut the door, and went up stairs, found Ellen Jewett's door on the latch, shoved it open, and the smoke rushed out in torrents. Mrs. T. went to the next room and requested its inmates to get up, stating Ellen's room was on fire. This alarmed the whole house, and all the girls came on the landing of the staircase. Mrs. Stevens first reached the bed, the window at which were consumed. Some watermen went in and it was ascertained Ellen Jewett was some burned, and had a large gash on the side of her head, and was quite dead.

Nothing special was elicited from this witness on her cross-examination by Mr. Maxwell, except that there were two persons visited her house who were known by the name of Frank Rivers, a name which was assumed by Robinson, though she is positive Frank Rivers, alias Robinson, was the person she admitted into her house on the night of the murder, and whom she saw in bed. The next witness called was

Dr. David L. Rogers, who merely deposed that the death of Ellen Jewett was caused by a fracture to the skull, compressing the bones upon the brain, and that the body bore every appearance of having made no movement after the fatal blow, consequently death was instant. A hatchet was shown to this witness, and he said it was such a weapon as he had supposed had been used by the murderer, and that he doubted not that had been the instrument of death.

The next witness called was a watchman, Richard Eldridge, who went into Mrs. Townsend's about four o'clock on Sunday morning, April 10th. Had some conversation with Mrs. T. after which this witness went into the adjoining yard, and found a hatchet and cloak, the hatchet had no blood upon it, the cloak had a stain. They were locked up in a room, but not in such a situation that I could see whether any person went in there with another key. "When I first took up the axe or hatchet it was wet and covered with dew and moisture, as if it had laid there some time." In addition to the wet on the hatchet, there was some earth on the blade, and some on the handle.

At ten o'clock the court adjourned until ten next morning, the jury remained in the custody of the officers who were sworn to attend them.

George W. Noble, assistant Captain of the Watch, and was called to Thomas street early in the morning. He repaired there before day, and about daylight one of the watch found the cloak in the adjoining yard and the hatchet in Mrs. Townsend's yard. There was a close examination of this witness in relation to the time on the cloak and hatchet. About seven o'clock, this officer and Dr. the marshal, went down in a carriage to Dey street, to the house where Robinson boarded, and on knocking at his door, he was found in bed with a young man, and on being awakened and requested to get up and dress himself, he made no objection, and did so with promptness. When dressed, some conversation ensued respecting a cloak, Robinson stated that he owned no other cloak than an old blanket one. His friend accompanied him in the carriage to Thomas street. This witness testified that both sides of his pantaloons were marked with whitewash or something white, but could not say whether it was lime or not.

Dennis Brink, the marshal, was then sworn, who stated that he was very early in Thomas st., and related the particulars of finding the cloak and hatchet as the preceding witnesses testified, but distinctly declared that there was a piece of twine on the hatchet when he first saw it, and also a corresponding piece on the tassel of the cloak which seemed to have been cut asunder.

This witness related the circumstance of going down to Dey street after Robinson, the manner of his being awakened, and much the same as detailed by Noble, the preceding witness, in relation to the cloak. Brink told him he wished him to go to the police office with him, and to dress himself or finish dressing himself for that purpose—he also said he discovered something white on his pantaloons, which at that time did not occupy his attention.

He asked whether his room mate could go with him, which was assented to, and they all got into the carriage and proceeded up Broadway to Thomas street. On arriving in the house and seeing the fence whitewashed, he looked at his pantaloons, and below the knee of the right leg found the whitewash spoken of before. Witnesses saw a small carpenter's bench in the yard, which might have assisted any person to have got over the fence. The witness said he obtained the prisoner's trunk and bureau, and a miniature, but found no letters. On cross-examination Brink admitted that he was sent for by Mrs. Townsend whenever there was noise there and visited the house on official duties; knows nothing of Mrs. Townsend's circumstances. He was closely cross-examined in relation to his conversation with Robinson at his lodgings, relative to the cloak, and some small discrepancies appeared in his testimony.

Charles Tyrell sworn: was an acquaintance with the prisoner at the bar, and boarded with him in Dey street, and remembers to have walked with him on the Saturday night previous to the murder up Broadway as far as Beckman street; he wore a dark colored cloak, and he thinks a cap, and he left him at the parlors of the Brick Church, and he thinks he went toward the Park; the cloak was dark, with velvet collar and facings; he said he was going to Clinton Hotel, but he did not go in. He and the boarders used to joke each other about a girl called Ellen, but he never heard her surname. He was in the boarding house when Robinson took the cloak either from his bed or his trunk, knows not which; but saw him put it on, and had there been a hatchet attached to it, he would have seen it. He again opened the cloak at the head of Dey street; and again at Beckman street, but there was no hatchet attached to it. Robinson appeared to be in a calm, cheerful state of mind at the time; and said he was 19 years old that very evening, and spoke of it with pleasure. Witness has frequently seen prisoner wear a dark colored cloak in the evening, and has not seen a cloak of that description since that evening in his room.

Elizabeth Salter being sworn, said, she knew Mr. Robinson before the 5th of April, probably seven weeks, and had seen him at Mrs. Townsend's and he came to see her and no other person that she knew of—she did not see him on the 9th of April, the night of the murder. He passed by the name of Frank Rivers, and generally wore a cloak—a dark cloth cloak with black silk cord and tassels, one of which had been broken off and sewed on again. She was at Mrs. Townsend's house at the time the cloak was found, stated that the tassels had been broken off and sewed on again, and said that it is the cloak that Rivers wore to the best of her knowledge and belief. There were two persons called Frank Rivers who visited the house. She knew Ellen Jewett; but never knew her to have any quarrel with the girls of the house. The person who knocked at the door at 3 o'clock on the morning of the murder, came to see her, and was in her room about a quarter of an hour before the alarm was raised. She heard Ellen Jewett call to Mrs. Townsend for a bottle of champagne. Rivers had told her that he had been out sleigh riding, and broke off the tassel of his cloak, and that his tailor had sewed it on. On a cross-

examination, the witness said she had talked with Mrs. Townsend about the murder this day, and on the morning of the occurrence. She would not swear to the cloak, but thinks she could as to the tassel, although there was nothing peculiar in it. Witness was 19 last day of April, and lived with her mother previous to living with Mrs. Townsend, which was nearly two years. The other Frank Rivers visited her also; they have come together; both, at different times, have worn cloaks and Boston wrappers. Miss Jewett had a watch and chain and three rings; Mrs. Townsend had them on the morning of the murder. Both Frank Rivers visited Miss Jewett. She had heard that, on Saturday night, a person, not the prisoner, was in the habit of visiting Ellen Jewett. She never saw a thin part or bald place on Robinson's head, as testified by Mrs. Townsend.

James Wells, a porter at Mr. Hoxie's store, was then sworn—he testified that there was a hatchet he used in the store to split up wood, which he saw, he thinks, the last time on the Wednesday previous to the murder. Robinson was in Mr. Hoxie's employ at the time. On being shown the hatchet, he says it is the same, and had no doubt of it. About five o'clock, on Saturday he was at the store; probably still later. He spoke in high terms of his amiability and good temper. He never saw a bald place on his head. He painted Mr. Hoxie's store white on the preceding Friday which was easily brushed off on the clothes.

It being now 9 o'clock, the judge ordered the court to be adjourned until 10 o'clock the next day; and it was adjourned accordingly.

The jury were placed, in the meantime, under the care of eight police officers and constables.

THIRD DAY—SATURDAY.

On the third day the Court assembled without difficulty, in consequence of the judicious arrangements in keeping order in and out of the City Hall. The first witness examined was a colored girl named Sarah Duncomb, who was employed in dressing Ellen Jewett and keeping her room clean. She testified that she saw a miniature of Robinson in Ellen's possession on the Friday before her death. On the cross-examination of the witnesses, there was an evident discrepancy in the testimony given at the Police and in Court. In the Police she swore positively that the young man she saw in Ellen's room on Saturday afternoon about five o'clock, was Robinson, and in Court she doubted who it was, and endeavored to reconcile the difficulty by saying she was frightened and did not know what she said. There was in fact nothing material in the testimony of this witness. The next witness was Joseph Hoxie, jun., a clerk in the store of Joseph Hoxie, who was called to identify Robinson's hand writing, and after stating what his situation and employment was, and how many clerks were employed, and whether he knew Robinson's hand-writing, was shown some letters which he thought resembled Robinson's hand-writing, but he could not swear to it. William Van Nest, a public porter, was then called, who testified that the Police saw positively that the young man he saw on the Saturday afternoon prior to her death, was in her room between five and six o'clock, and was the person seen by the colored girl, when she entered with a pitcher of water. Samuel Van Nest, a porter, knew both parties, and had carried letters from Robinson to Ellen, but could not identify any one being shown several. Mr. Justice Lowen's testimony that he visited the house 41 Thomas street, and described its situation, times and boundaries, the difficulty of escaping and the manner in which an escape might probably be made—he described part of the fence leading from Robinson's yard to the yard of the Hudson street houses as dilapidated and broken down so much as to be crept over. He was in the police station when Robinson's trunk and bureau were examined.

Elizabeth Salter was recalled, who said that she was in the room of Ellen Jewett shortly after the discovery of the murder, and found between the bedpost and pillows a silk handkerchief, which she should know again. (She was shown a handkerchief which she identified as the same.) She said the other Frank Rivers she saw at Mrs. Townsend's on the Saturday evening between nine and ten o'clock, and spoke to him. He did not stay long, and the next time she saw him was on Sunday morning in company with the prisoner, when the officers Brink and Noble had brought him to Mr. Townsend's. Here a young man by the name of Tew was asked to stand up, and show Salter said that was the other Frank Rivers.

Mary Gallagher, on being sworn, testified that she went to Rosina Townsend's house on the Sunday, and there saw the prisoner, and asked him in the kindest manner what could have induced him to commit an act so cruel and barbarous; to which he answered, "do you think I would blot my brilliant prospects by so ridiculous an act. I am a young man, only nineteen yesterday, with most brilliant prospects." To which witness replied, "My dear boy, God grant that you may prove innocent." "Why," said the prisoner, "there is another man's handkerchief under the pillow, with his name in full on it." He then added, "I am not afraid but that I shall be acquitted." Some other conversation ensued, which was interrupted by Frank, the officer.

George B. Malcom, on being sworn, admitted that he was the person known by the name of Bill Fay. He knew Ellen Jewett, and was in the habit of visiting her, particularly on Saturday, but was not there on the Saturday previous to the murder. He knew the handkerchief—it was his, and marked by Ellen. She had frequently made things for him—was obliging that way. He described her jewelry, rings, buckles, &c., her numerous rich dresses, and considered her as the most richly dressed woman in the theatre. A great number of persons visited Mrs. Townsend's; it was called the City Hotel. He was not in the house on the Sunday when the murder was discovered.

Nathan Gilbert was sworn—in a solemn manner in Mr. Hoxie's store; knows the prisoner's hand-writing, and identified several pages of the Journal and several letters, which he believed were his; he also saw Robinson wear a dark cloth cloak.

Elizabeth Salter was sworn, with the view of proving that the prisoner had tried to hire a room from her in Rusk street, but the Court would not allow her to proceed. Mr. Morris, under the direction of the District Attorney, presented to read the letters of the prisoner to Ellen Jewett; but the reading was stopped by Mr. Hoffman, on the ground that although they contained nothing material, yet they were illegally obtained from the prisoner.